

EXHIBIT BB

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES JIRAK and ROBERT PEDERSEN,)

Plaintiffs,)

vs.) No. 07 C 3626

ABBOTT LABORATORIES, INC.,)

Defendant.)

The deposition of SHYRL HOOVER, called as
a witness for examination, taken pursuant to the
Federal Rules of Civil Procedure of the United
States District Courts pertaining to the taking of
depositions, taken before KAREN M. PFISTER, a
Certified Shorthand Reporter of said state, at 77
West Wacker Drive, Chicago, Illinois, on the 17th
day of June, A.D. 2009, at 2:00 p.m.

1 **PRESENT:**

2
3 JOSEPH & HERZFELD, LLP,
4 757 Third Avenue, 25th Floor,
5 New York, New York 10017,
6 (212) 688-5640, by:
7 MR. MICHAEL DiCHIARA,
8 md@jhllp.com,
9 appeared on behalf of the Plaintiffs;

10
11 JONES DAY,
12 77 West Wacker Drive,
13 Chicago, Illinois 60601-1692,
14 (312) 782-3939, by:
15 MS. EFRAT R. SCHULMAN,
16 eschulman@jonesday.com,
17 appeared on behalf of the Defendant.

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19 **REPORTED BY: KAREN M. PFISTER, CSR**
20 CSR No. 84-004456.

1 A. That's correct.

2 Q. Are there any topics listed in this
3 deposition notice for which you're here to testify
4 about?

5 MS. SCHULMAN: I think he means in addition to
6 the three.

7 BY MR. DiCHIARA:

8 Q. In addition to the three. If I didn't
9 say that, I apologize.

10 A. Okay. No.

11 Q. Bad question on my part.

12 I assume you are currently employed by
13 Abbott?

14 A. Correct.

15 Q. What's your job title?

16 A. I'm an account manager in talent
17 acquisition.

18 Q. Now, is that -- you're an account manager
19 in talent acquisition?

20 A. Correct.

21 Q. Is talent acquisition a department of
22 Abbott?

23 A. Yes.

24 Q. And is that a separate department or does

1 it's product categorized under pharmaceutical at the
2 top, we're looking for 3 years of successful sales
3 pharmaceutical experience.

4 Q. So if someone was selling vacuum
5 cleaners, they wouldn't be a candidate for this
6 position?

7 A. No, they would not.

8 Q. Okay. Moving on to the second page,
9 which is Bates stamp number 36454 --

10 MS. SCHULMAN: Sorry. Can you repeat that?

11 MR. DiCHIARA: Sure, 36454.

12 BY MR. DiCHIARA:

13 Q. It says, "BS/BA required." Do you see
14 where I'm referring to?

15 A. Yes.

16 Q. Does that mean the candidate must have a
17 BS or a BA and it can be in any field?

18 A. Yes.

19 Q. So if someone had a BA in English, they
20 wouldn't be disqualified from applying for this
21 position?

22 A. Correct, if they had experience in
23 pharmaceutical sales.

24 Q. And then going down past all the salary

1 gastrointestinal market.

2 Q. Okay.

3 A. Specifically, they're asking for that as
4 a preference for this particular rep.

5 Q. Okay. Then let me ask this question: Is
6 there any requirement that the person applying for
7 this job have a background in pharmacology?

8 A. In pharmacology specifically, that
9 particular discipline, is that what you're referring
10 to?

11 Q. Just --

12 A. When you say pharmacology, that's --

13 Q. Let me ask it this way: Is there
14 anything -- any indication from this job posting
15 that the person applying for this job has to have an
16 educational background in pharmacology?

17 A. Educational degree, no.

18 Q. Is there anything in this job description
19 that indicates that the person applying for this job
20 has to have an educational degree in medicine?

21 A. Educational degree, no.

22 Q. Anything in this job description that
23 indicates that the person applying for this job has
24 to have an educational degree in a science?

1 A. A bachelor of science is a bachelor of
2 science in education.

3 Q. Is there anything indicating what
4 specific science that person has to have a degree
5 in?

6 A. No.

7 Q. Anything in this job posting that
8 indicates that the person applying for this job will
9 be responsible for developing policies for Abbott?

10 MS. SCHULMAN: Objection, form.

11 BY THE WITNESS:

12 A. No.

13 BY MR. DiCHIARA:

14 Q. Okay. Let's move on to the next page,
15 which is Bates stamp number 36455. And I believe
16 the next two pages go together; is that correct?

17 A. Correct.

18 Q. And that would be Pages 36455 through
19 36456.

20 What are these two pages?

21 A. This is a profile of a position.

22 Q. And who would receive the profile
23 typically?

24 A. This particular profile was given to RPO

1 questions about the job descriptions as to whether
2 or not they indicated the person would be
3 supervising anyone. Do you recall those questions?

4 A. Yes.

5 Q. Do you know if the reason why that wasn't
6 listed in the job description was because the person
7 actually won't be supervising anyone who fills the
8 position?

9 MS. SCHULMAN: Objection, form.

10 BY THE WITNESS:

11 A. Yes.

12 BY MR. DiCHIARA:

13 Q. And I also asked you questions about
14 pharmaceutical reps, some of the profiles, and as to
15 whether or not the profile indicated that the person
16 who filled that position would be responsible for
17 developing companywide sales strategy for Abbott.
18 Do you recall that?

19 A. Yes.

20 Q. Do you know if the reason why that's not
21 listed in the job profile is because that person
22 won't be involved in developing companywide sales
23 strategy for Abbott?

24 MS. SCHULMAN: Objection, form, and it's beyond

1 the scope of the deposition.

2 But you can answer.

3 BY THE WITNESS:

4 A. Are you saying involved or creating
5 strategy?

6 BY MR. DiCHIARA:

7 Q. Creating, responsible.

8 A. Responsible for creating the strategy for
9 the company, no; for their territory, yes.

10 Q. And I also asked you questions about
11 companywide marketing strategy. Do you recall that?

12 A. Yes.

13 Q. And do you know if the reason why it's
14 not listed in these job profiles is because the
15 person who fills the position actually will not be
16 involved in developing companywide marketing
17 strategy for Abbott?

18 MS. SCHULMAN: Objection, form and beyond the
19 scope.

20 BY THE WITNESS:

21 A. No, they will not be doing a company
22 marketing, not be creating the company marketing.
23 However, in their territory and with their product,
24 they would be executing whatever the strategy is.